

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

JAMES WILLIAM TAYLOR)
a/k/a LUTFI SHAFQ TALAL,)
Plaintiff,)
v.) No. 3:10-00451
FIRST MEDICAL MANAGEMENT, et al.,) JUDGE HAYNES
Defendants.)

ORDER

Before the Court is the Magistrate Judge's Report and Recommendation (Docket Entry No. 61) to which Plaintiff has filed an objection (Docket Entry No. 101), and Plaintiff's motion for a temporary restraining order (Docket Entry No. 64) and Plaintiff's motion to amend summons to correct names (Docket Entry No. 70).

As an initial matter, the Court notes that the Report and Recommendation was filed on August 10, 2010, while Plaintiff's objections to the Report and Recommendation were filed on October 7, 2010. Failure to file specific objections within fourteen (14) days of service of the Report and Recommendation can constitute a waiver of further appeal of the Report and Recommendation. See Thomas v. Arn, 474 U.S. 140 (1985), reh'g denied, 474 U.S. 1111 (1986); 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72. Despite Defendant's waiver, the Court addresses the merits of Plaintiff's objections below.

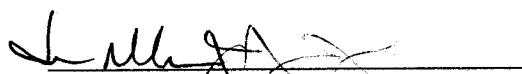
After de novo review of the Magistrate Judge's Report and Recommendation and the Plaintiff's objections, the Court **ADOPTS** the Report and Recommendation. Plaintiff's allegations in his complaint and objections to the Report and Recommendation do not allege any imminent danger of injury that would allow Plaintiff to proceed under an exception to the civil

filings fee rules for prisoners. Plaintiff's allegations concern past injuries in 2009, and Plaintiff has previously had three cases dismissed as frivolous or for failure to state a claim. Although Plaintiff alleges that Case No. 1:00-00059 was settled, the Court's review of that action shows that while Plaintiff settled some of his claims with certain defendants, the vast majority of his claims were dismissed for failure to state a claim.

Accordingly, Plaintiff's motion for a temporary restraining order (Docket Entry No. 64) and motion to amend summons to correct names (Docket Entry No. 70) are **DENIED without prejudice** to renew once Plaintiff has paid the civil filing fee. Plaintiff is given thirty (30) days to pay the civil filing fee to the Clerk of the Court or this action will be dismissed.

It is so **ORDERED**.

ENTERED this the 18th day of October, 2010.


WILLIAM J. HAYNES, JR.
United States District Judge